

APR 13 2007

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Serial No. 10/080,996  
Page 5**REMARKS**

The above Amendments and these Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.116 in response to the Final Office Action mailed January 22, 2007.

**Summary of the Examiner's Action and Applicants' Response**

The Examiner again stated that the disclosure of the provisional application, from which priority was claimed, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. § 112 for Claims 1 and 3. As a result, the Examiner examined the application based upon its filing date of February 20, 2002. Applicants continue to respectfully reserve the right to challenge the Examiner's denial of the present application's claim of priority to the provisional application.

The Examiner has again rejected Claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Matthews, III, U.S. Patent No. 5,600,368. Claims 6 and 7 have again been rejected under 35 U.S.C. 103(a) as being obvious based on Matthews, III in view of Butler, et al., U. S. Patent Application Publication No. 2002/0007493. Applicants respectfully traverse the rejections.

In this amendment, Applicants have amended Claims 1 and 3. Claims 8-12 have been added. Applicants request entry of this amendment, after which Claims 1-12 will be pending.

**Response to the Examiner's Denial of the Priority Claimed to the Provisional Application**

Applicants respectfully submit that there is no indication in the Office Action that the denial of priority is of relevance regarding the particular rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) included in the Final Office Action. Therefore, Applicants continue to respectfully reserve the right to challenge the Examiner's denial of the present application's claim of priority to the provisional application.

**Response to the Rejection of Claims 1-5 under 35 U.S.C. § 102(b)**

The Examiner has again rejected Claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by Matthews, III. In his response to Applicants' arguments in the last response, the Examiner disagreed that Matthews, III fails to teach or suggest the step of "broadcasting information from said broadcaster to said viewers indicating that said plurality of versions of said program are available to

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said viewers". The Examiner stated that:

"... the system in Matthews, III provides for multiple versions of a program associated with different viewing angles. The claims are not limited with respect to what is meant by the 'information' being broadcast to indicate the availability of the plurality of versions. The cited passages describe that the viewer can change camera angles. Information is broadcast from the broadcaster indicating the availability of a plurality of versions as a result of the viewer receiving information corresponding to the particular angle for viewing (Col. 4, Lines 58-62). Simply put, if a viewer is watching a program being broadcast from a different camera angle then 'information' has been broadcast informing the viewer as to the existence of that particular 'version' of the programming. If the viewer presses 'up' and nothing happens [he/she] is similarly informed that that particular version does not exist."

Applicants respectfully submit that, in contrast to Matthews III, the method of the present invention is designed to inform the viewer of available program versions through broadcasting program information that is presented to the viewer before enabling the viewer to select from amongst the available versions. (Page 16, lines 19-27, FIG. 13). Applicants have amended Claim 1 make the distinction with the applied reference more clear. More specifically, Applicants have amended Claim 1 to recite that the method includes broadcasting program information to said viewers indicating that said plurality of versions of said program are available to said viewers. That is, the information is program information, not just any information such as "nothing happens" in the Examiner's example above. Applicants have also amended Claim 1 to include that wherein the indication of said plurality of versions is displayed to said viewers before any of said viewers is enabled to request at least one version of said plurality of versions of said program. Support for this amendment is found in the specification, as filed, on page 16, lines 22-28 and FIG. 13). Applicants respectfully submit that, even the Examiner's interpretation of Matthews, III, i.e., that the fact that a viewer is watching a program being broadcast from a different camera angle indicates that information has been broadcast informing the viewer as to the existence of that version, does not teach or suggest the method in Claim 1, as amended. That is, Applicants respectfully submit that there is no teaching or suggestion in Matthews III that program information is broadcast to the viewer informing him/her of the versions at different camera angles and that this program information is broadcast to the viewer before the viewer can request one of the angles.

For all of the above reasons, Applicants respectfully submit that Claim 1 is not anticipated by Matthews, III.

Applicants have added Claim 12 which depends from Claim 1 and recites that "the

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indication of said plurality of versions is displayed to said viewers as a menu of said available versions". Support for this amendment is found on page 16, lines 24-25 of the present specification. Claims 2 and 12 depend from Claim 1 and are respectfully submitted as not being anticipated by Matthews, III for the same reasons as given above for Claim 1. Regarding Claim 12, Applicants further submit that Matthews, III does not teach presenting displaying a menu of available versions, as claimed in Claim 12. For this additional reason, Applicants respectfully submit that Claim 12 is not anticipated by Matthews, III.

Claim 3 has been amended similar to Claim 1. Applicants respectfully submit, therefore, that Claim 3 is not anticipated by Matthews, III for the same reasons as given above for Claim 1. Claims 4 and 5 depend from Claim 3 and are respectfully submitted as not being anticipated by Matthews, III for the same reasons as given above for Claim 3.

**Response to the Rejection of Claims 6 and 7 under 35 U.S.C. § 103(a)**

Claims 6 and 7 have been rejected under 35 U.S.C. 103(a) as being obvious based on Matthews, III in view of Butler, et al. Claims 6 and 7 depend from Claim 3 and thus are respectfully submitted as being non-obvious based on Matthews, III for the same reasons as given above for Claim 3. Applicants respectfully submit that Butler, et al., singly or combined with Matthews, III, does not teach or suggest a method of broadcasting as claimed in Claims 3 and 7. Further, Butler, et al. does not disclose selecting a version including obtaining content information, as claimed in Claims 6 and 7. For all of the above reasons, Applicants respectfully submit that Claims 6 and 7 are non-obvious based on Matthews, III in view of Butler, et al.

**Claims 8-11:**

Applicants have added new Claims 8-11 in order to further define the invention. More specifically, Applicants respectfully submit that the present specification describes an embodiment of the present invention wherein based on the viewer's request for version(s) of a program, the broadcaster makes a decision on whether to fulfill that request, i.e., whether to broadcast that version(s). (See FIG. 13 and page 16, lines 22-28). Applicants respectfully submit that the present specification also describes that selection of which versions to broadcast may be a function of the number and frequency of a request for one version as compared to other versions, possible charges for certain versions, coincidence of multiple versions with other programs broadcast, or other

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criteria. (See FIG. 13 and the last paragraph of page 16 of the specification carrying over to page 17). More specifically, the present specification describes that “[s]ome available versions may not be presented if the number of requests, or other metric, does not meet [the] criteria. For example, if only two requests are received for a particular version of a program and thousands of requests are received for other versions, the broadcaster may decide not to broadcast the version with only two requests. The bandwidth that would have been used to transmit the version with only two requests may then be used to broadcast other programs.” (Page 16, line 31- page 17, line 6). The method claimed in new Claim 8 is similar to Claim 1, however, Claim 8 includes the broadcaster making the decision whether to broadcast a requested available version of the program based on one or more requests and based on a predetermined criteria. Applicants respectfully submit that none of the applied references, either singly or combined, teaches or suggests the broadcaster making the decision whether to broadcast a requested available version of the program based on one or more requests and based on a predetermined criteria, as claimed in Claim 8. Claims 9-11 depend from Claim 8 and are thus respectfully submitted as not being anticipated or obvious based on the applied references for the same reasons as given above for Claim 8.

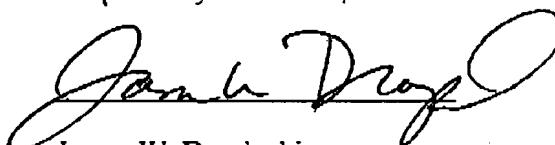
### Conclusion

For the above reasons, Applicants respectfully submit that Claims 1-12 are allowable. Such allowance is respectfully solicited

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,

4/13/07  
Date



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